



**UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
10/010,968	11/13/2001	Daniel M. Elliott	2803.11US02

PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS, MN 55402-2100

EXAMINER
PATENT & TRADEMARK OFFICE
MAILED

DATE MAILED: **OCT 14 2004**

This application has been reported by the Examiner as in condition for allowance.

LICENSING & REVIEW

The subject matter of this application appears to be "useful in the production or utilization of special nuclear material or atomic energy" as recited in Section 152 of the Atomic Energy Act of 1954 (Public Law 703, 83rd Congress, 2nd Session, AS AMENDED September 6, 1961 by Public Law 87-206, 87th Congress, 42 U.S.C. 2182). Accordingly, it would appear that no patent can issue on this application until there is filed by the applicant(s), a statement under oath, or in lieu thereof, a declaration (as provided by 35 U.S.C. 25), setting forth the full facts surrounding the making and conception of the invention and whether it was made or conceived in the course of or under any contract, subcontract, or arrangement entered into WITH OR FOR THE BENEFIT OF the Atomic Energy Commission, the Energy Research and Development Administration (Public Law 93-438, 93rd Congress, 42 U.S.C. 5801) or the Department of Energy (Public Law 95-91, 95th Congress, 42 U.S.C. 7101) as required in said section of the Atomic Energy Act.

In the event 35 U.S.C. 202 has been made applicable by express provision in any contract, grant or cooperative agreement with the Department of Energy which may have a relationship to the subject matter of this application, applicant may file a statement under oath, or in lieu thereof a declaration (as provided by 35 U.S.C. 25), to the effect that 35 U.S.C. 202 is applicable, as an alternative to the statement required above. A false statement regarding this applicability of 35 U.S.C. 202 shall be considered a false representation of a material fact which may result in a request for transfer of title to the patent, which issues on this application, to the Department of Energy pursuant to Section 152 of the Atomic Energy Act.

It is considered appropriate for a statement to be filed at this time without formal requirement and this letter has been sent in order to give applicant(s) an opportunity to do so.

Should it be necessary to consider the need for a formal requirement for the statement, no provision is found in the Atomic Energy Act for extension of the time limit of 30 days after requirement is made, set by Section 152.

This application will be reached for processing in about FORTY-FIVE DAYS. Final disposition thereof will be expedited if an appropriate statement is filed during this period.

Respectfully,


SPECIAL LAWS
ADMINISTRATION GROUP

PLEASE DIRECT ALL COMMUNICATIONS RELATING TO THIS MATTER TO THE ATTENTION OF LICENSING AND REVIEW.